

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

JELLY BELLY CANDY COMPANY

SUMMONS IN A CIVIL **JCS**

CASE NUMBER:

V.

ARAN CANDY LTD., SWEETSTALL.COM LTD.,  
AND DOES 1 THROUGH 100

C 07 5260

TO: (Name and address of defendant)

ARAN CANDY LTD.  
HEXAGON BUILDINGS,  
IDA BUSINESS & TECHNOLOGY PARK,  
SNUGBOROUGH ROAD,  
BLANCHARDSTOWN,  
DUBLIN 15

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

KAREN VOGEL WEIL  
BRIAN C. HORNE  
JONATHAN A. HYMAN  
REZA MIRZAI  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
1901 AVENUE OF THE STARS, SUITE 1500  
LOS ANGELES, CA 90067  
PHONE: (310) 551-3450  
FAX: (310) 551-3458

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

OCT 16 2007

Richard W. Wieking

CLERK

DATE \_\_\_\_\_

\_\_\_\_\_  
(BY) DEPUTY CLERK

FILED BY FAX  
PURSUANT TO LOCAL RULES

## WAIVER OF SERVICE OF SUMMONS

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Douglas L. Hendricks, acknowledge receipt of your request  
(DEFENDANT NAME)

JELLY BELLY CANDY COMPANY v. ARAN CANDY LTD.,  
that I waive service of summons in the action of SWEETSTALL.COM LTD., AND DOES 1-100,  
On behalf of Peter Cullen and Sally Rimmington (CAPTION OF ACTION)  
which is case number C 07 5260 JCS in the United States District Court  
(DOCKET NUMBER)

for the Northern District of California.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after October 17, 2007,  
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

December 10, 2007  
(DATE)

*Douglas L. Hendricks*  
(SIGNATURE)

Printed/Typed Name: Douglas L. Hendricks

As Attorney for ARAN CANDY LTD. and  
(TITLE) SWEETSTALL.COM  
(CORPORATE DEFENDANT)

### Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.